

# ATDS Interpretation Continuum

Broadest Interpretation

Narrowest Interpretation

**2015 TCPA Omnibus Order**  
(FCC)

C: Both present and potential capacity.

U: Use immaterial.

G: (1) Random or sequential number generators; (2) devices that “store” numbers.

**Reyes v. BCA Financial Services, Inc.**  
(S.D. Florida)

C: Both present and potential capacity.

U: Use immaterial.

G: (1) Random or sequential number generators; (2) devices that “store” numbers.

**Sessions v. Barclays Bank Delaware**  
(N.D. Georgia)

C: Present capacity only.

U: Use immaterial.

G: (1) Random or sequential number generators; (2) devices that “store” numbers.

**Ammons v. Ally Financial, Inc.**  
(M.D. Tenn.)

C: Not discussed.

U: Not discussed.

G: (1) Random or sequential number generators; (2) devices that “store” numbers.

**Marks v. Crunch San Diego, LLC**  
(9th Circuit)

C: Not discussed.

U: Not discussed.

G: (1) Random or sequential number generators; (2) devices that “store” numbers.

**King v. Time Warner Cable, Inc.**  
(2nd Circuit)

C: Present capacity (w/ potential capacity in limited circumstances).

U: Use immaterial.

G: Not discussed.

**Maddox v. CBE Group, Inc.**  
(N.D. Georgia)

C: Present capacity only.

U: Not discussed

G: Random or sequential number generators only.

**Dominguez v. Yahoo, Inc.**  
(3rd Circuit)

C: Present capacity only.

U: Use required.

G: Random or sequential number generators only.

**Herrick v. GoDaddy.com LLC**  
(D. Arizona)

C: Present capacity only.

U: Use required.

G: Random or sequential number generators only.

**Lord v. Kisling, Nestico & Redick, LLC**  
(N.D. Ohio)

C: Present capacity only.

U: Use required.

G: Random or sequential number generators only.

**Gonzalez v. Ocwen Loan Servicing, LLC**  
(M.D. Florida)

C: Present capacity only.

U: Use required.

G: Random or sequential number generators only.

## ATDS DEFINITION

47 U.S.C §227(a)(1): “The term ‘automatic telephone dialing system’ means equipment which has the capacity - (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers.”

## KEY

- C - Capacity Issue:**  
“In looking at the device’s autodialer functions (or lack thereof), are we only to look at the device’s present capacity, or are we to look at the device’s potential capacity as well?”
- U - Use Issue:**  
“In determining whether a device is an autodialer, do we only look to see if the device’s autodialer capacity was actually being used to make the calls at issue, or do we simply consider if the device has an autodial capacity (regardless of whether that capacity was used to make the calls at issue)?”
- G - Number Generation Issue:**  
“In determining whether a device is an autodialer, do we only include in the ATDS definition devices that actually generate random or sequential numbers, or do we include devices with a broader range of functionalities?”

